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PART-IIA

GOVERNMENT OF MEGHALAYA

NOTIFICATIONS

The 17th December, 2019.

OFFICE MEMORANDUM

Guidelines for operation of the 'Meghalaya Environment Protection and Restoration Fund (MEPRF)'

No.MG.61/2018/37. - WHEREAS the Hon'ble National Green Tribunal *vide* its order dated 25th March, 2015 in Original Application No. 73 of 2014 directed the State Government to collect 10% of the market value of the coal per metric tonne, in addition to the royalty and deposit the said amount in the account titled as 'Meghalaya Environment Protection and Restoration Fund (MEPRF)' to be maintained by the State under direct control of the Chief Secretary of the State of Meghalaya;

And WHEREAS the Hon'ble National Green Tribunal *vide* aforesaid order directed State to use the Meghalaya Environment Protection and Restoration Fund (MEPRF) exclusively for restoration of environment and for necessary remedial and preventive measures in regard to environment and matters related thereto;

And WHEREAS the State Government has opened an account in the Nationalized Bank in the name of 'Meghalaya Environment Protection and Restoration Fund' and 10% of the market value of the coal per metric tonne being collected from the transportation of already extracted coal, as allowed by the Hon'ble Supreme Court and by the Hon'ble National Green Tribunal from time to time;

And WHEREAS Hon'ble National Green Tribunal has *vide* order dated 31st August, 2018 passed in the O.A. No. 110 (THC)/2012 constituted a committee headed by Hon'ble Justice Mr B.P. Katekey, Former Judge of Guwahati High Court along with one representative each from Central Pollution Control Board and Indian School of Mines, Dhanbad to prepare time bound action plan for restoration of the environment and rehabilitation of the victims from the MEPRF funds;

Now, THEREFORE, the Governor of Meghalaya is pleased to notify the following guidelines for the purpose of operation and utilization of the said Meghalaya Environment Protection and Restoration Fund (MEPRF).

1. "Guidelines for operation of the 'Meghalaya Environment Protection and Restoration Fund (MEPRF)'".

The State Government shall notify institutional mechanism consisting of District level executive committees, a Technical Committee, the Steering Committee and a Monitoring Group to ensure utilisation of MEPRF in an efficient, effective and transparent manner for the purposes of restoration of

environment in areas affected by coal mining in the State and for necessary remedial and preventive measures in regard to environment and matters related thereto including rehabilitation of persons affected by coal mining.

2. Steering committee.- (I) The Steering committee at State level shall comprise of following members:-

Sl. No.	Name and designation	Designation in the Governing body
1	Chief Secretary	Chairperson
	Principal Chief Conservator of Forests & HoFF	Members
	Additional Chief Secretary/Principal Secretary/Commissioner & Secretary, Mining and Geology Dept.	
4	Additional Chief Secretary/Principal Secretary/Commissioner & Secretary, Forests & Environment Dept.	
5	Additional Chief Secretary/Principal Secretary/ Commissioner & Secretary, Finance Department/Planning Department/ PHE Department/ Revenue & Disaster Management Dept./Labour Department/Social Welfare Department/ Education Department.	
6	Commissioner of Divisions, Khasi Jaintia Hills Division/Garo Hills Division.	
7	Deputy Director General of Forests (C) MOEF & CC Regional Office North Eastern Zone, Shillong	
8	Chairman, State Environmental Impact Assessment Authority	
9	Chairman, Meghalaya State Pollution Control Board	
10	Regional Director, Central Pollution Control Board, Shillong	
11	Secretary to the Chief Executive Member, Autonomous District Councils	
	Director of Mineral Resources	Member Secretary
	Two non-official members/non-governmental organization having expertise in, the field of Environment and Mining	Non-Official Member

(2) Powers and functions of the Steering committee:- Without prejudice to the general powers and functions of fulfilment of the object of these guidelines, the Steering committee shall have the following powers and functions:

- i. Assessment of administrative feasibility and prioritisation of various activities to be under taken from the MEPRF.
- ii. Determine project area for undertaking various activities and schemes under the MEPRF.
- iii. Recommending the Annual Action Plan prepared by respective District Level Implementing Committee duly scrutinised and approved by technical committee.
- iv. Placing Annual Action plan before the committee constituted by the Hon'ble National Green Tribunal *vide* order dated 31st August, 2018 in the O.A. No. 110(THC)/2012 for approval.
- v. Approving such other expenditure, in furtherance of the objectives of the Meghalaya Environment Protection and Restoration Fund (MEPRF) after obtaining necessary approval from the Committee.

- vi. Ensuring Inter-Departmental coordination.
 - vii. Approving annual reports and audited accounts of the MEPRF submitted by each District Level Implementing Committee.
 - viii. Laying down of annual reports before the State Legislative Assembly.
 - ix. Ratifying the appointments on contractual basis to run the MEPRF.
 - x. Appointment of auditor for auditing accounts of District Level Implementing Committee.
 - xi. Monitor the progress of the utilization of MEPRF and review the progress of preceding projects.
 - xii. Placing the annual report before the NGT committee for onward submission to the Hon'ble National Green Tribunal.
- (3) Meetings of the Steering committee:-
- i. The Steering committee shall meet at least once in three months and it shall be convened as decided by the Chairperson.
 - ii. The quorum for such meeting shall be one third of the total members of the Steering committee.

3. Technical committee. - (1) The Technical committee shall be constituted with following members:-

Sl. No.	Name and designation	Designation in the Technical committee
1	Principal Chief Conservator of Forests & HoFF	Chairperson
2	Additional Principal Chief Conservator of Forests (CC R & T)	Member Secretary
3	Director of Mineral Resources.	Members
4	Member Secretary, State Expert Appraisal Committee (SEAC)	
5	Member Secretary, Meghalaya State Pollution Control Board	
6	Additional Director, Central Pollution Control Board, Shillong	
7	Senior Scientist/ Environmental Engineer, MOEF & CC Regional Office North Eastern Zone, Shillong.	
8	Chief Engineer PHE	
9	Labour Commissioner	
10	Director of Social Welfare	
11	Head, Department of Environmental Studies, North-Eastern Hill University	
12	Representative from CSIR - Central Institute of Mining and Fuel Research, Dhanbad.	
13	Representative from Environment Protection Training and Research Institute (EPTRI), Hyderabad	

(2) Powers and functions of the Technical Committee:-

- a) To examine and certify technical feasibility of the proposals for restoration of environment damaged due to coal mining.
- b) To scrutinize and recommend the proposals received and submit before the Sub-committee constituted by committee constituted by the Hon'ble National Green Tribunal *vide* order dated 31st August, 2018 in the O.A. No. 110(THC)/2012 for approval.
- c) To scrutinize and approve Annual Action Plan prepared by respective District Level Implementing Committee.
- d) To approve rates/estimated costs of the proposals for various activities restoration of environment damaged due to coal mining.
- e) To suggest best possible technology/technical solution for each activity proposed to be undertaken from the MEPRF by holding brain storming sessions and consulting reputed organizations involved in restoration of environment damaged due to mining activities.

(3) Meetings of the Technical Committee:-

- a) The Technical Committee shall meet at least once in every month and it shall be convened as decided by the Chairperson
- b) The quorum for such meeting shall be one third of the total members of the Technical Committee.

4. District Level Implementing Committee.- 1) District Level Implementing Committee shall be constituted in each district effected by coal mining with following members:-

Sl. No.	Name and designation	Designation
1	Deputy Commissioner	Chairperson
2	Divisional Forest Officer, Territorial Division/Social Forestry Division	Member Secretary
3	Representative from the Directorate of Mineral Resources	Members
4	Representative from Autonomous District Councils	
5	Executive Engineer, PHE	
6	District School Education Officer	
7	Representative from the Meghalaya State Pollution Control Board.	
8	Representative from Meghalaya Basin Development Agency (MBDA)	
9	Representative from Institute/Firm/Organization Implementing Projects	
10	Three representatives from villages affected by coal mining in the District	Non-Official Members

2) Powers and functions of the District Level Implementing Committee:-

- a) Take all steps for implementation of various activities/schemes for the restoration of environment in project areas.

- b) Preparation Annual Action Plans as per the projects/schemes approved by Technical Committee and Steering Committee for various activities permissible under the Guidelines.
 - c) Submission of Annual action Plan to Technical Committee and Steering Committee for approval.
 - d) Execute and supervise the Annual Action Plans and the approved schemes and projects.
 - e) Prepare Annual Report for each Financial Year.
 - f) Maintain the books of accounts and place audited accounts along with Annual Report before the Steering Committee for approval.
- 3) Meetings of executive Committee: The meeting of District Level Implementing Committee shall be held at least once in every month and it shall be convened as decided by the Chairperson.
5. **Monitoring Group.-** (1) The Monitoring Group shall be constituted with following members:-

Sl. No.	Name and designation	Designation
1	Non-official expert in the field of Mining or Environment	Chairperson
2	Two Non-official experts in the field of mining or Environment	Members
3	Representative from NESAC	Member
4	Mining Officer, Directorate of Mineral Resource	Member Secretary

- (2) Powers and functions of the Monitoring Group:-

- a) Monitoring quantitative and qualitative progress of activities under taken from MEPRF.
- b) Submits periodic reports to committee constituted by the Hon'ble National Green Tribunal *vide* order dated 31st August, 2018 in the O.A. No. 110 (THC)/2012 for its perusal and onward submission to the Hon'ble National Green Tribunal.
- c) Conducting field inspections of the activities undertaken from MEPRF for preparation of periodic reports.

6. Operation of Account.-

- 1) Funds accrued under MEPRF shall be kept under Savings Bank Account in a Nationalised Bank.
- 2) The account shall be operated under joint signature of the Chief Secretary and Director of Mineral Resources.
- 3) Portion of the fund accrued may be invested in Fixed Deposits for a maximum period of 90 days.
- 4) The Member Secretary of Steering committee shall maintain the books of accounts for this Fund.

7. **Utilization of the Fund.-** 1) The Meghalaya Environment Protection and Restoration Fund (MEPRF) shall be utilized for implementing action plan prepared by committee constituted by the Hon'ble National Green Tribunal *vide* order dated 31st August, 2018 in the O.A. No. 110 (THC)/2012 for restoration of environment in areas affected by coal mining and rehabilitation of persons affected by coal mining activities in the State of Meghalaya.

- 2) The MEPRF shall be utilised for following activities :-
- i. Undertake pilot projects on reclamation of abandoned coal mines by involving reputed institutes;
 - ii. Installation of pollution control devices;
 - iii. Development and transfer of AMD treatment technology;
 - iv. Treatment of Acid Mine Drainage (AMD) originating from coal mines, coal depots and other storage spaces;
 - v. Restoration of ecology damaged by coal mining including tree plantation;
 - vi. Closure of abandoned mines by controlled blasting and reclamation of area;
 - vii. Erection of physical barrier at periphery of shafts of mines;
 - viii. Closure of shafts of mines where coal reserves already exhausted by controlled blasting or refilling of debris/overburden
 - ix. Construction of garland canal around the coal dumps and release of AMD only after treatment;
 - x. Closure and sealing of coal mine shafts having opening in the river/stream bed;
 - xi. Restoration of water quality in rivers/streams affected by coal mining;
 - xii. Development of portable water purifier to treat acidic water to ensure availability of potable water in affected area;
 - xiii. Creation of public awareness;
 - xiv. Drinking Water Supply;
 - xv. Providing compensation for loss of life or property due coal mining activities;
 - xvi. Rehabilitation of persons affected by coal mining activities in the State of Meghalaya;
 - xvii. Any other activities with prior approval of the Hon'ble National Green Tribunal.
- 3) A portion of interest received by the Funds invested in Fixed Deposits shall be used for paying wages of contractual appointments, administrative expenses, sitting fee & TA/DA of non-official members of the committees constituted under these guidelines and payment towards monitoring and evaluation purpose.
- 8. Execution of works.-** 1) Goods and services may be procured by District Level Implementing Committee after following the due procedure prescribed by the State Government for such procurement.
- 2) The works undertaken under the MEPRF shall formally be executed through Government Departments, agencies, statutory body, public sector undertakings and Autonomous District Councils which will follow the relevant norms applicable to the organization while executing or awarding contracts.
 - 3) Technical approval and supervision of the work will be looked after by officers competent to do so under the administrative delegation of powers as applicable to the Department concerned.
 - 4) In respect of such works which cannot be executed through Government Departments, agencies, statutory body or public sector undertakings, the District Level Implementing Committee may award the work to any other competent and reputed agencies following a transparent process, after obtaining prior approval of the Steering Committee.

9. ACCOUNTS AND AUDIT.-

- 1) The District Level Implementing Committee shall maintain and/or cause to be maintained proper books of accounts.
- 2) The accounts shall be audited every year by qualified auditor.
- 3) The auditors of the MEPRF shall be appointed by the steering committee from the list of approved auditors notified by the Accountant General of the State on such terms and conditions as decided by the committee.
- 4) The auditors may be removed and replaced by the steering committee.
- 5) District Level Implementing Committee shall submit a quarterly progress report in physical terms and utilization certificate every year in respect of the approved Schemes and Projects to the Steering committee.
- 6) Every year within three months from the date of closure of the financial year, the District Level Implementing Committee shall forward approved annual report and audited accounts in respect of MEPRF to the Steering Committee.
- 7) The annual report of each District Level Committee shall be laid down before the State Legislative Assembly.
- 8) The annual report of each District Level Committee shall also be submitted before Hon'ble National Green Tribunal.

- 10. Administrative arrangements.-** 1) The concerned Departments shall provide services of the personnel under their control for execution of the Annual Action Plan and for providing administrative and technical assistance to all the 4 (four) committees constituted under these guidelines.
- 2) A portion of interest received by the Funds invested in Fixed Deposits shall be used to meet administrative expenses.

MANJUNATHA C.,
Secretary to the Government of Meghalaya,
Mining and Geology Department.

The 13th January, 2020.

No.TPT. 91/80/749. - In exercise of the powers conferred under Clause (1) of sub-section 67 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Governor of Meghalaya is pleased to direct all the Regional Transport Authorities (RTAs) in Meghalaya that the fare for Local Taxis, Auto rickshaws, Maxi Cabs and Motor Cabs shall be fixed as follows with immediate effect and until further orders.

1	2	3	4
A	PASSENGER (TOURIST) VEHICLES	FUEL USED	PROPOSED REVISION OF FARE
1.	For all 5 (five) Seaters AITT Vehicles costing upto Rs. 6 (six) Lakhs e.g. Alto, Alto 800, Alto K-10, Santro, Kwid, Wagon-R, Swift Dzire, Maruti Swift, Hyundai I-20, Indigo, Honda Bravio, Celerio, Tiago, Ignis, KUV-100, I-10, Grand I-10, Supro, Tata Bolt, Micra, Tata Tigor, Etios, Baleno, Tata Zest, Xcent, Aspire, Honda Amaze.	Petrol & Diesel	Rs. 18/- per Km. (extra charge of Rs. 200/- per 100 Km. for AC vehicles if utilised)
2.	For all 5 (five) Seaters AITT vehicles costing above Rs. 6 (six) Lakhs upto Rs. 10 (ten) Lakhs e.g. Tata Tiago JPT, Tata Nexon, Etios Cross, Platinum Etios, Nissan Micra, Verito Vibe, Toyota Glanza, Duster, Brezza, Maruti Ciaz, Honda City.	Petrol & Diesel	Rs. 20/- per Km. (extra charge of Rs. 200/- per 100 Km. for AC vehicles if utilised)
3.	For all 5 (five) Seaters AITT vehicles costing above Rs. 10 (ten) Lakhs upto Rs. 15 (fifteen) Lakhs e.g. Nissan Terano, Tata harrier, Hyundai Elantra, Hyundai Verma.	Petrol & Diesel	Rs. 22/- per Km. (extra charge of Rs. 200/- per 100 Km. for AC vehicles if utilised)
4.	For all 5 (five) Seaters AITT vehicles costing above upto Rs. 15 (fifteen) Lakhs upto Rs. 35 (thirty five) Lakhs e.g. Scoda Octavia, Scoda Superb, Mercedes, Audi, Toyota Corola Altis, Honda Civic, Hyundai Tucson GLS.	Petrol & Diesel	Rs. 26/- per Km. (extra charge of Rs. 200/- per 100 Km. for AC vehicles if utilised)
5.	For all 7 + (Seven Plus) Seaters AITM vehicles costing above Rs. 10 (ten) Lakhs e.g. (Mahindra Marazzo, Tata Safari Storme, Mahindra XUV-500, Tata Hexa, Innova Crysta, Mahindra Altura G-4, Toyota Furtuner, Ford Endeavour, Honda CRV.	Petrol & Diesel	Rs. 22/- per Km. (extra charge of Rs. 200/- per 100 Km. for AC vehicles if utilised)
6.	For special category of vehicles costing above Rs. 35/- (thirty five) Lakhs.	Petrol & Diesel	Rs. 35/- per Km. (extra charge of Rs. 200/- per 100 Km. for AC vehicles if utilised)
7.	For all 7 + (Seven Plus) Seaters AITM e.g. Tata Sumo, Mahindra Maxx, Ertiga, Bolero, Lodgy, Scorpio, Innova, Tata Winger Platinum BSIV, Force Trax Cruiser.	Diesel	Rs. 2.05 Per head per Km. (extra charge of Rs. 200/- per 100 Km. for AC vehicles if utilised).
8.	LOCAL TAXI (Regional)	Petrol & Diesel	Rs. 26/- for 1 st Km. & Rs. 13/- every subsequent Km. (Holding/detaining charge Rs. 7/- every 5 minutes).

9.	AUTO RICKSHAW (Regional Three Wheelers)	Petrol	Rs. 14/- for 1 st Km. & Rs. 6/- every subsequent Km. (Holding/detaining charge Rs. 6/- every 5 minutes).
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N. B.: For the newly launched Vehicles not shown in the list, the fare will be based on the price range and seating capacity as indicated at Column 2 of the Table.

1	2	3	4	5
B	GOODS CARRIAGE (TRUCKS)	FUEL USED	EXISTING FREIGHT	PROPOSED REVISION OF FARE
1.	Heavy & Medium Goods Vehicles	Diesel	Rs. 2.50 <i>vide</i> Notification No.TPT.82/81/152, dated 14 th March, 2001	Rs. 9/- per MT per Km. for Black Topped Road.
2.	Heavy & Medium Goods Vehicles	Diesel	(not notified earlier for this category)	Rs. 10/- per Mt. per Km. for Gravelled Road.
3.	Heavy & Medium Goods Vehicles	Diesel	(not notified earlier for this category)	Rs. 12/- Per Mt. per Km. for Kutcha Road.

This has the approval of the Competent Authority.

M. R. SYNREM,
Commissioner & Secretary to the Govt. of Meghalaya,
Transport Department.

The 16th January, 2020.

OFFICE MEMORANDUM

Subject:- Dearness Allowance/Dearness Relief.

No.F(PR)-53/2017/33. - In partial modification to Para. 2 of this Department's O.M. No. F(PR)-53/2017/30, dated 20th December, 2019, the Governor of Meghalaya is pleased to order release of 100% of the arrear Dearness Allowance/Dearness Relief to all State Government employees/pensioners and family pensioners with immediate effect.

P. K. AGRAHARI,
Secretary to the Govt. of Meghalaya,
Finance Department.

The 7th January, 2020.

No.RDS.133/2016/132. - In exercise of the power conferred under section II(d) (i) of the Meghalaya Transfer of Land (Regulation) Act, 1971 the Governor of Meghalaya is pleased to specify the **Indian Oil Corporation Limited as a Company** to which the provisions of the said Act, shall not apply in relation to transfer of land measuring **9625 Sqm.** located at **Tuber Shohshrieh Village, East Jaintia Hills District** and more fully described in the Scheduled below by way of lease for a period of 30 years from Shri Sudeep Kynjing to the Indian Oil Corporation Limited for the purpose of setting up of retail outlet.

Location of the land - Tuber Shohshrieh, East Jaintia Hills.
Area of the land - 9625 Sqm.
Name of Transferor - Shri Sudeep Kynjing.

Boundary:

North - Jaka ka Moli Ksoo Shoshrieh.
East - National Highway No. 44.
South - Jaka ka Moli Ksoo Shoshrieh.
West - Jaka ka Moli Ksoo Shoshrieh.

Total Area - 9625 Sqm.

I. MAWLONG,
Joint Secretary to the Govt. of Meghalaya,
Revenue & Disaster Management Department.

The 8th January, 2020.

No.FOR.59/2018/35. - In exercise of the power conferred under sub-rule (5) of rule-4 of "The Rules of Manufacture, use, Import, Export and Storage of Hazardous Micro Organisms, Genetically Engineered Organisms or Cells", the State Biotechnology Coordination Committee (SBCC) is hereby constituted as follows:-

Serial No.	Name	Designation
1.	Chief Secretary	Chairman
2.	Secretary to the Govt. of Meghalaya, Forests and Environment Dept.	Member Secretary
3.	Chairman Meghalaya State Pollution Control Board	Member
4.	Secretary to the Govt. of Meghalaya, Health & Family Welfare Dept.	Member
5.	Secretary to the Govt. of Meghalaya, Horticulture Dept.	Member
6.	Secretary to the Govt. of Meghalaya, Industries Dept.	Member
7.	Experts in the field of Microbiology/Pathology to be nominated by the Chief Secretary	Expert Members

2. Powers & Functions of the Committee shall be as follows:-

- i) To inspect, investigate and to take punitive action in case of violations of statutory provisions through the nodal Department and the State Pollution Control Board of The Directorate of Health Services.
 - ii) To review periodically the safety and control measures in various industries/institutions handling genetically engineered/hazardous organisms.
 - iii) To Serve as a nodal point at State Level for coordinating activities related to GMOs in the State with the Central Ministries including monitoring of conditions stipulated by the Review Committee on Genetic Manipulation (RCGM)/(GEAC) Genetic Engineering Appraisal Committee.
3. The Committee may co-opt other members/experts as necessary.

This order shall come into effect from the date of its issue.

C. P. MARAK,

Principal Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

The 8th January, 2020.

No.FOR.59/2019/36. - In exercise of the power conferred under sub-rule (6) of rule-4 of "The Rules of Manufacture, use, Import, Export and Storage of Hazardous Micro Organisms, Genetically Engineered Organisms or Cells", the District Level Committee in each District in this State is hereby constituted as follows:-

Serial No.	Name	Designation
1.	Deputy Commissioner	Chairman
2.	District Agriculture Officer	Member Secretary
3.	General Manager, Commerce & Industries	Member
4.	A Representative from the Meghalaya State Pollution Control Board	Member
5.	District Medical & Health Officer	Member
6.	Executive Engineer from Public Health Dept. in the District	Member
7.	Representative from the concerned Municipal Board/Town Committee in the District.	Member
8.	Experts in the field of Microbiology and Pathology to be nominated by the Deputy Commissioner.	Members

2. Powers and Functions of the District Level Committee shall be as follows:-

- i) To monitor and inspect the safety regulations in installations engaged in the use of genetically modified/hazardous organisms and its applications, formulate information chart, identify hazards and risks associated with each of these installation and coordinate activities with a view to meeting emergency.
 - ii) To Serve as a nodal point at District level for coordinating activities related to GMOs in the District with the SBCC and GEAC including monitoring of conditions stipulated by the Review Committee on Genetic Manipulation (RCGM)/(GEAC) Genetic Engineering Appraisal Committee.
3. The Committee may co-opt other Members/Experts as necessary.

This order shall come into effect from the date of issue.

C. P. MARAK,

Principal Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

The 23rd January, 2020.

NO.PER(AR).21/2010/Pt. I/30. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to repeal the existing Meghalaya Civil Services (Disciplinary & Appeal) Rules 2011 namely :-

1. Short title and commencement - (1) These Rules may be called the Meghalaya Civil Services (Discipline and Appeal) Rules, 2019.

(2) They shall come into force from the date of notification in the official Gazette.

2. Interpretation - In these Rules, unless the context otherwise requires :

(a) "**Appellate Authority**" - means the authority to whom appeal lies;

(b) "**Appointing Authority**" - in relation to a Government servant means –

(i) the authority empowered to make appointments to the Service of which the Government servant is, for the time being, a member, or to the grade of the Service in which the Government servant is, for the time being, included, or

(ii) the authority empowered to make appointments to the post which the Government servant for the time being holds, or

(iii) the authority which appointed the Government servant to such Service, grade or post, as the case may be, or

(iv) where the Government servant, having been a permanent member of any other Service, or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post, whichever authority is the highest authority;

(c) "**Cadre authority**", in relation to a Service, has the same meaning as in the Rules regulating that Service;

(d) "**Commission**" - means the Meghalaya Public Service Commission;

(e) "**Competent Authority**" means any authority notified by the Government from time to time, for different categories of employees and may include Appointing Authority and Disciplinary Authority.

- (f) **"Department"** means any establishment or organization declared by the Governor by a notification in the official Gazette to be a Department of the Government of Meghalaya;
- (g) **"Disciplinary Authority"** means the authority competent under these Rules to impose on a Government servant any of the penalties specified in Rule 7;
- (h) **"Government Servant"** - means a person who is a member of a service or who holds a civil post in connection with the affairs of the State of Meghalaya and includes any person whose services are temporarily placed at the disposal of the Central Government or any State Government or a local or other authority and also any person in the service of a State Government or the Central Government or a local authority whose services are temporarily placed at the disposal of the Government of Meghalaya;
- (i) **"Head of the Department"** for the purpose of exercising the powers as appointing, disciplinary, appellate or reviewing authority, means the authority declared to be the Head of the Department under the Fundamental Rules and Supplementary Rules;
- (j) **"Head of the Office"** for the purpose of exercising the powers as appointing, disciplinary, appellate or reviewing authority, means the authority declared to be the Head of the office under the relevant Financial Rules;
- (k) **"Schedule"** - means the Schedule appended to these Rules; and
- (l) **"Secretary"** means the Secretary to the Government of Meghalaya in any Department, and includes –
 - (i) **The Chief Secretary**
 - (ii) **The Additional Chief Secretary**
 - (iii) **The Principal Secretary**
 - (iv) **The Commissioner & Secretary**

3. **Application –**

- (1) These Rules shall apply to all Government servants except : -
 - (a) persons in casual employment and **contractual appointment**.
 - (b) members of the All India Services.
 - (c) any person subject to discharge from service on less than one month's notice,

- (d) any person for whom special provision is made, in respect of matters covered by these Rules, by or under any law for the time being in force, or by or under any agreement entered into by or with the previous approval of the Governor before or after the commencement of these Rules, in regard to matters covered by such special provisions.
- (2) Notwithstanding anything contained in sub-rule (1), the Governor may, by order, exclude any class of Government servants from the operation of all or any of these Rules.
- (3) Notwithstanding anything contained in sub-rule (1) these rules shall apply to every Government servant temporarily transferred to a service or post coming within exception (b) in sub-rule (1) to whom, but for such transfer, these rules would apply.
- (4) Notwithstanding anything contained in sub-rule (1) the Governor may, by notification published in the Official Gazette exclude from the operation of all or any of these rules any Government servant or class of Government servant to whom the Governor shall declare that the rules cannot suitably be applied and these rules shall thereupon to the extent of such exclusion cease to apply accordingly:

Provided that no such declaration shall be made in respect of any Government servant who holds a pensionable post or holds a permanent whole-time post.
- (5) If any doubt arises as to whether these Rules or any of them apply to any person, the matter shall be referred to the Governor, whose decision thereon shall be final.
- 4. **Protection of rights and privileges conferred by any law or agreement** - Nothing in these Rules shall operate to deprive any Government servant of any right or privilege to which he is entitled –
 - (a) by or under any law for the time being in force, or
 - (b) by the terms of any agreement subsisting between such person and the Governor at the commencement of these Rules

PART II : APPOINTING AUTHORITIES

- 5. **Appointment to State Services** - All appointment to State Services shall be made by the authorities specified in the Schedule :

Provided that the Governor may, by notification in the official Gazette, amend the Schedule from time to time.

PART III : SUSPENSION

- 6. Suspension -** (1) The Competent Authority, or any authority to which it is subordinate or any other authority empowered by the Governor in that behalf, may place a Government servant under suspension;
- (a) Where a disciplinary proceeding against him is contemplated or is pending, or
 - (b) Where, in the opinion of the aforesaid authority, he has engaged himself in activities prejudicial to the interest of the security of the State : or
 - (c) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial;

Provided that where the order of suspension is made by an authority lower than the Appointing Authority such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

- (2) A Government servant shall be deemed to have been placed under suspension by an order of the Competent Authority –
- (a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
 - (b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION – The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or with any other directions, the order or his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.
- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of

or by a decision of a court of law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Competent Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders :

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

- (5) (a) Subject to the provisions contained in sub-rule (7), any order of suspension made or deemed to have been made under this Rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.
 - (b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until termination of all or any such proceedings.
 - (c) An order of suspension made or deemed to have been made under this Rule may at any time be modified or revoked by the authority which made, or is deemed to have made, the order or by any authority to which that authority is subordinate.
- (6) An order of suspension made, or deemed to have been made, under this Rule shall be reviewed by the authority which is competent to modify or revoke the suspension before expiry of ninety days from the effective date of suspension on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.
- (7) An order of suspension made or deemed to have been made under sub-rule (1) or (2) of this Rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days ;

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule (2), if the Government servant continues to be under suspension at the time of completion of ninety days of suspension.

PART IV : DISCIPLINE

7. Nature of penalties :

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely –

Minor Penalties –

- (i) Censure;
- (ii) Withholding of increments or promotion;
- (iii) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;
- (iv) Reduction to a lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.
- (v) Withholding of increments of pay;

Major Penalties –

- (vi) Save as provided for in clause (iv), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- (vii) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period ;
- (viii) Compulsory retirement;
- (ix) Removal from service which shall not be a disqualification for future employment under the Government;
- (x) Dismissal from service which shall ordinarily be a disqualification for future employment under the Government :

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established **by a Court of Law**, the penalty mentioned in clause (ix) or clause (x) shall be imposed :

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

EXPLANATION – The following shall not amount to a penalty within the meaning of this Rule, namely :-

- (a) withholding of increments of a Government servant for his failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs, or post which he holds, or the terms of his appointment;
- (b) stoppage of a Government servant at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (c) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;
- (d) reversion of a Government servant officiating in a higher Service, grade or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;
- (e) reversion of a Government servant, appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;
- (f) replacement of the services of a Government servant, whose services had been borrowed from a State Government, or any authority under the control of a State Government, at the disposal of the State Government, or the authority from which the services of such Government servant had been borrowed;
- (g) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;
- (h) **termination of the services** –
 - (i) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation, or

- (ii) of a Government servant, employed under an agreement, in accordance with the terms of such agreement.
- (iii) any compensation awarded on the recommendation of the Complaints Committee referred to in the proviso to sub-rule (2) of Rule 10 for inquiring into any complaint of sexual harassment within the meaning of Rule 3C of the Meghalaya Civil Services (Conduct) Rules, 2019.

8. Disciplinary Authority –

- (1) The Governor may impose any one or more of the penalties specified in Rule 7 on any Government servant
- (2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (3) anyone or more of the penalties specified in Rule 7 may be imposed on a Member of a State Service by the Appointing Authority or by any other authority empowered in this behalf by a general or special order of the Governor.
- (3) Notwithstanding anything contained in this Rule no penalty specified in clauses (iv) to (vii) of Rule 7 shall be imposed by an authority lower than the Appointing Authority.

9. Authority to Institute Proceedings –

- (1) The Governor, or any other authority empowered by him by general or special order may –
 - (a) institute disciplinary proceedings against any Government servant;
 - (b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose, under these Rules, any of the penalties specified in Rule 11.
- (2) A disciplinary authority competent under these Rules to impose any of the penalties specified in clauses (i) to (v) of Rule 7 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (vi) to (x) of Rule 7 notwithstanding that such disciplinary authority is not competent under these Rules to impose any of the latter penalties.

PART V : PROCEDURE FOR IMPOSING PENALTIES

10. Procedure for imposing Major Penalties –

- (1) No order imposing any of the penalties specified in clauses (vi) to (x) of Rule 7 shall be made except after an inquiry is held, as far as may be, in the manner provided in this Rule and Rule 11.
- (2) Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this Rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within the meaning of Rule 3C of the Meghalaya Civil Services (Conduct) Rules, 2019, the Complaints Committee, established by the State for inquiring into such complaints, shall be deemed to be the Inquiring Authority appointed by the Disciplinary Authority for the purpose of these Rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassments, the inquiry as far as practicable in accordance with the procedure laid down in these Rules.

EXPLANATION 1 - Where the Disciplinary Authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) of this Rule to the Inquiring Authority shall be construed as a reference to the Disciplinary Authority.

EXPLANATION 2 - Where the Disciplinary Authority appoints a retired Government servant as Inquiring Authority, any reference in sub-rule (7) to sub-rule 20 and in sub-rule (22) of this rule shall include such authority.

- (3) Where it is proposed to hold an inquiry against a Government servant under this Rule and Rule 11, the Disciplinary Authority shall draw up, or cause to be drawn up : -
- (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;
 - (ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain –
 - (a) a statement of all relevant facts including any admission or confession made by the Government servant;
 - (b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.
- (4) The Disciplinary Authority shall deliver, or cause to be delivered, to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the Government servant to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.
- (5) (a) On receipt of the written statement of defence, the Disciplinary Authority may itself inquire into such of the articles of charge as are not admitted, or, if it considers it necessary so to do, appoint, under sub-rule (2), an Inquiring Authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the Disciplinary Authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in Rule 11 .

- (b) If no written statement of defense is submitted by the Government servant, the Disciplinary Authority may itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under sub-rule (2), an Inquiring Authority for the purpose.
- (c) Where the Disciplinary Authority itself inquires into any article of charge or appoints an Inquiring Authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting Officer" to present, on its behalf, the case in support of the articles of charge.

EXPLANATION – For the purpose of this Rule, the expression 'Government servant' includes a person who has ceased to be in Government service.

- (6) The Disciplinary Authority shall, where it is not the Inquiring Authority, forward to the Inquiring Authority –
 - (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (ii) a copy of the written statement of the defense, if any, submitted by the Government servant;
 - (iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3);
 - (iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
 - (v) a copy of the order appointing the "Presenting Officer".
- (7) The Government servant shall appear in person before the Inquiring Authority on such day and at such time, within ten working days from the date of receipt by the Inquiring Authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the Inquiring Authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the Inquiring Authority may allow.
- (8) (a) The Government servant may take the assistance of any other Government servant, including a retired Government servant, posted in any office, either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner, or, the Disciplinary Authority, having regard to the circumstances of the case, so permits;

Provided that the Government servant may take the assistance of any other Government servant posted at any other station, if the Inquiring Authority, having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

Note : The Government servant shall not take the assistance of any other Government servant who has three pending disciplinary cases on hand in which he has to give assistance.

- (9) If the Government servant, who has not admitted any of the articles of charge in his written statement of defence, or has not submitted any written statement of defence, appears before the Inquiring Authority, such authority shall ask him whether he is guilty or has any defence to make. If he pleads guilty to any of the articles of charge, the Inquiring Authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.
- 10) The Inquiring Authority shall return a finding of guilt in respect of those articles of charge to which the Government servant pleads guilty.
- (11) If the Government servant fails to appear within the specified time, or refuses, or omits to plead, the Inquiring Authority shall require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date, not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence :
 - (i) inspect, within five days of the order, or within such further time not exceeding five days as the Inquiring Authority may allow, the documents specified in the list referred to in sub-rule (3);
 - (ii) submit a list of witnesses to be examined on his behalf;

NOTE – If the Government servant applies, **in writing**, for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3), the Inquiring Authority shall furnish him with such copies as early as possible and, in any case, not later than three days before the commencement of the examination of the witnesses on behalf of the Disciplinary Authority.

- (iii) give a notice, within ten days of the order, or within such further time not exceeding ten days as the Inquiring Authority may allow, for the discovery or production of any documents which are in the possession of Government, but not mentioned in the list referred to in Sub-rule (3).

NOTE – The Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

- (12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, forward the same, or copies thereof, to the authority in whose custody or

possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition :

Provided that the Inquiring Authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

- (13) On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the Inquiring Authority :

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied, for reasons to be recorded by it in writing, that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production or discovery of such documents.

- (14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the Disciplinary Authority. The witnesses shall be examined by, or on behalf, of the Presenting Officer and may be cross-examined by, or on behalf of, the Government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the Inquiring Authority. The Inquiring Authority may also put such questions to the witnesses as it thinks fit.

- (15) If it shall appear necessary, before the close of the case on behalf of the Disciplinary Authority, the Inquiring Authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant, or may itself call for new evidence, or recall and re-examine any witness, and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The Inquiring Authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The Inquiring Authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary, in the interests of justice.

NOTE – New evidence shall not be permitted, or called for, or any witness shall not be recalled, to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

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- (16) When the case for the Disciplinary Authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.
- (17) The evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the Inquiring Authority according to the provisions applicable to the witnesses for the Disciplinary Authority.
- (18) The Inquiring Authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.
- (19) The Inquiring Authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Government servant, or permit them to file written briefs of their respective cases, if they so desire.
- (20) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose, or does not appear in person before the Inquiring Authority, or otherwise fails, or refuses to comply with the provisions of this Rule, the Inquiring Authority may hold the inquiry ex parte.
- (21) (a) Where a Disciplinary Authority competent to impose any of the penalties specified in clause (i) to (v) of Rule 7 (but not competent to impose any of the penalties specified in clauses (vi) to (x) of Rule 7), has itself inquired into or caused to be inquired into, the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any Inquiring Authority appointed by it, is of the opinion that the penalties specified in clauses (vi) to (x) of Rule 7 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such Disciplinary Authority as is competent to impose the last mentioned penalties.
- (b) The Disciplinary Authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the Government servant such penalty as it may deem fit in accordance with these Rules.

- (22) Whenever any Inquiring Authority, after having heard and recorded the whole, or any part of the evidence in an inquiry, ceases to exercise jurisdiction therein, and is succeeded by another Inquiring Authority which has, and which exercises, such jurisdiction, the Inquiring Authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself :

Provided that if the succeeding Inquiring Authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

- (23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain –
- (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;
 - (b) the defence of the Government servant in respect of each article of charge;
 - (c) an assessment of the evidence in respect of each article of charge;
 - (d) the findings on each article of charge and the reasons therefor ;

EXPLANATION - If, in the opinion of the Inquiring Authority, the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge :

Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

- (ii) The Inquiring Authority, where it is not itself the Disciplinary Authority, shall forward to the Disciplinary Authority the records of inquiry which shall include –
- (a) the report prepared by it under clause (i).
 - (b) the written statement of defence, if any, submitted by the Government servant;
 - (c) the oral and documentary evidence produced in the course of the inquiry;
 - (d) written briefs, if any, filed by the Presenting Officer or the Government servant or both, during the course of the inquiry; and
 - (e) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry.

11. Action on Inquiry Report –

- (1) The Disciplinary Authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and

report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 10, as far as may be.

- (2) The Disciplinary Authority shall forward, or cause to be forwarded, a copy of the report of the inquiry, if any, held by the disciplinary authority or, where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any, with the findings of the inquiring authority on any article of charge to the Government servant who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the Government servant.
- (3) (a) In every case where it is necessary to consult the Commission, the Disciplinary Authority shall forward, or cause to be forwarded, to the Commission for its advice;
 - (i) a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of the Inquiring Authority on any article of charge; and
 - (ii) comments of the Disciplinary Authority on the representation of the Government servant on the Inquiry report and disagreement note, if any, and all the case records of the inquiry proceedings.(b) The Disciplinary Authority shall forward, or cause to be forwarded, a copy of the advice of the Commission received under clause (a) to the Government servant, who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, on the advice of the Commission.
- (4) The Disciplinary Authority shall consider the representation under sub-rule (2) and/or clause (b) of sub-rule (3), if any, submitted by the Government servant and record its findings before proceeding further in the matter as specified in sub-rules (5) and sub-rules (6).
- (5) If the Disciplinary Authority, having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in clauses (i) to (v) of Rule 7 should be imposed on the Government servant, it shall, notwithstanding anything contained in Rule 12, make an order imposing such penalty.
- (6) If the Disciplinary Authority, having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in clauses (vi) to (xi) of Rule 7 should be imposed on the Government servant, it shall make an order imposing such penalty and it shall not be necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed.

12. Procedure for imposing Minor Penalties –

- (1) Subject to the provisions of sub-rule (5) of Rule 11, no order imposing on a Government servant any of the penalties specified in clause (i) to (v) of Rule 7 shall be made except after –
 - (a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;
 - (b) holding an inquiry in the manner laid down in sub-rules (3) to sub-rule (23) of Rule 10, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
 - (c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
 - (d) consulting the Commission where such consultation is necessary. The Disciplinary Authority shall forward, or cause to be forwarded, a copy of the advice of the Commission to the Government servant, who shall be required to submit, if he so desires, his written representation, or submission, on the advice of the Commission, to the Disciplinary Authority within fifteen days; and
 - (e) recording a finding on each imputation or misconduct or misbehaviour.
- (2) Notwithstanding anything contained in clause (b) of sub-rule (1), if, in a case, it is proposed, after considering the representation, if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to adversely affect the amount of pension payable to the Government servant, or to withhold increments of pay for a period exceeding three years, or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules (3) to sub-rules (23) of Rule 10, before making any order imposing on the Government servant any such penalty.
- (3) The record of the proceedings in such cases shall include –
 - (i) a copy of the intimation to the Government servant of the proposal to take action against him;
 - (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
 - (iii) his representation, if any;
 - (iv) the evidence produced during the inquiry;
 - (v) the advice of the Commission, if any;

- (vi) representation, if any, of the Government servant on the advice of the Commission;
- (vii) the findings on each imputation of misconduct or misbehaviour; and
- (viii) the orders on the case together with the reasons therefor.

13. Communication of orders –

Orders made by the Disciplinary Authority shall be communicated to the Government servant who shall also be supplied with a copy of its finding on each article of charge, or, where the Disciplinary Authority is not the inquiring authority, a statement of the findings of the Disciplinary Authority, together with brief reasons for its disagreement, if any, with the findings of the inquiring authority and, where the Disciplinary Authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

14. Common Proceedings –

- (1) Where two or more Government servants are concerned in any case, the Governor, or any other authority competent to impose the penalty of dismissal from service on all such Government servants, may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

NOTE –If the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

- (2) Subject to the provisions of sub-rule (3) of Rule 8, any such order shall specify –
 - (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceeding;
 - (ii) the penalties specified in Rule 7 which such Disciplinary Authority shall be competent to impose;
 - (iii) either the procedure laid down in Rule 10 and Rule 11 or Rule 12 shall be followed in the proceeding.

15. Special Procedure in certain cases –

Notwithstanding anything contained in Rule 10 to Rule 14;

- (i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or

- (ii) where the Disciplinary Authority is satisfied, for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these Rules, or
- (iii) where the Governor is satisfied that, in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these Rules, the Disciplinary Authority may consider the circumstances of the case and make such orders thereon as it deems fit :

Provided that the Government servant may be given an opportunity of making representation on the penalty proposed to be imposed, before any order is made in a case under clause (i) :

Provided, further, that the Commission shall be consulted, where such consultation is necessary and the Government servant has been given an opportunity of representing against the advice of the Commission, before any orders are made in any case under this Rule.

- 16. Provisions regarding lent Officers -** (1) Where the services of a Government servant are lent to the Central Government, any State Government or to a local or other Authority (hereinafter in this Rule referred to as "the Borrowing Authority"), the Borrowing Authority shall have the powers of the Appointing Authority for the purpose of placing such Government servant under suspension and of the Disciplinary Authority for the purpose of conducting a disciplinary proceeding against him :

Provided that the Borrowing Authority shall forthwith inform the Authority which lent the services of the Government servant (hereinafter in this Rule referred to as "the Lending Authority") of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

- (2) In the light of the findings in the disciplinary proceeding conducted against the Government servant –

- (i) if the Borrowing Authority is of the opinion that any of the penalties specified in clauses (i) to (v) of Rule 7 should be imposed on him, it may, in consultation with the Lending Authority, pass such orders on the case as it deems necessary :

Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority, the services of the Government servant shall be replaced at the disposal of the Lending Authority;

- (ii) if the Borrowing Authority is of the opinion that any of the penalties specified in clauses (vi) to (x) of Rule 7 should be imposed on him, it shall replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the

inquiry and thereupon the Lending Authority may, if it is the Disciplinary Authority, pass such orders thereon as it deems necessary, or, if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which shall pass such orders on the case as it deems necessary :

Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rule (3) & sub-rule (4) of Rule 11.

Explanation - The Disciplinary Authority may make an order under this Clause on the record of the inquiry transmitted to it by the Borrowing Authority, or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with Rule 10.

17. Provisions regarding borrowed Officers –

- (1) where an order of suspension is made or a disciplinary proceeding is conducted against a Government servant, whose services have been borrowed from the Central Government, any State Government or a local or other authority, the authority lending his services (hereinafter in this Rule referred to as "the Lending Authority"), shall forthwith be informed of the circumstances leading to the order of suspension of the Government servant or the commencement of the disciplinary proceeding, as the case may be.
- (2) In the light of the findings in the disciplinary proceeding conducted against the Government servant :
 - (i) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (v) of Rule 7 should be imposed on him, it may, subject to the provisions of sub-rule (3) of Rule 11 and after consultation with the Lending Authority pass such orders on the case as it deems necessary :

Provided that in the event of a difference of opinion between the Borrowing Authority and the Lending Authority the services of the Government servant shall be replaced at the disposal of the Lending Authority;

- (ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in Clauses (vi) to (x) of Rule 7 should be imposed on him, it shall replace his services at the disposal of the Lending Authority and transmit to it the proceedings of the inquiry for such action as it deems necessary

PART VI – APPEALS

18. Orders against which no appeal lies –

Notwithstanding anything contained in this Part, no appeal shall lie against –

- (i) any order made by the Governor;
- (ii) any order of an interlocutory nature, or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension;
- (iii) any order passed by an inquiring authority in the course of an inquiry under Rule 10.

19. Orders against which appeal lies –

Subject to the provisions of Rule 18, a Government servant may prefer an appeal against all or any of the following orders, namely : -

- (i) an order of suspension made, or deemed to have been made, under Rule 6;
- (ii) an order imposing any of the penalties specified in Rule 7, whether made by the disciplinary authority or by any appellate or revising authority;
- (iii) an order enhancing any penalty, imposed under Rule 7;
- (iv) an order which –
 - (a) denies, or varies to his disadvantage, his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or
 - (b) interprets to his disadvantage the provisions of any such rule or agreement;
- (v) an order –
 - (a) stopping him at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
 - (b) reverting him while officiating in a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty;
 - (c) reducing, or withholding, the pension or denying the maximum pension admissible to him under the Rules;
 - (d) determining the subsistence and other allowances to be paid to him for the period of suspension, or for the period during which he is deemed to be under suspension, or for any portion thereof;
 - (e) determining his pay and allowances –
 - (i) for the period of suspension, or
 - (ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post,

time-scale or stage in a time-scale of pay, to the date of his reinstatement or restoration to his service, grade or post; or

- (f) determining whether or not the period, from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale of pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post, shall be treated as a period spent on duty for any purpose.

EXPLANATION - In this Rule –

- (i) the expression 'Government servant' includes a person who has ceased to be in Government service;
- (ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefits.

20. Appellate Authority –

- (1) A Government servant, including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in Rule 19 to the authority specified in this behalf either in the Schedule or by a general or special order of the Governor or, where no such authority is specified,
 - (i) where such Government servant is, or was, a member of Group 'A' or Group 'B'.
 - (a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; or
 - (b) to the Governor where such order is made by any other authority;
 - (ii) where such Government servant is or was a member of Group 'C' or Group 'D' to the authority to which the authority making the order appealed against is immediately subordinate.
- (2) Notwithstanding anything contained in sub-rule (1) –
 - (i) an appeal against an order in a common proceeding held under Rule 14 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate :

Provided that where such authority is subordinate to the Governor, in respect of a Government servant for whom the Governor is the appellate authority in terms of Sub-clause (b) of Clause (i) of sub-rule (1), the appeal shall lie to the Governor.

(ii) where the person, who made the order appealed against, becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

(3) A Government servant may prefer an appeal against an order imposing any of the penalties specified in Rule 7 to the Governor, where no such appeal lies to him under sub-rule (1) or sub-rule (2), if such penalty is imposed by any authority other than the Governor, on such Government servant in respect of his activities connected with his work as an office-bearer of an association, federation or union.

21. Period of limitation for appeals - No appeal preferred under this part shall be entertained unless such appeal is submitted within a period of forty five days from the date on which the appellant receives a copy of the order appealed against :

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

22. Form and contents of appeal –

- (1) Every person preferring an appeal shall do so separately and in his own name.
- (2) The appeal shall be addressed to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.
- (3) The authority, which made the order appealed against, shall, on receipt of a copy of the appeal, forward the same, with its comments thereon, together with the relevant records, to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

23. Consideration of appeal –

- (1) In the case of an appeal against an order of Suspension, the Appellate Authority shall consider whether in the light of the provisions of Rule 6, and having regard to the

circumstances and gravity of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

- (2) In the case of an appeal against an order imposing any of the penalties specified in Rule 7, the Appellate Authority shall consider –
- (a) whether the procedure prescribed in these Rules been complied with, and, if not, whether such non-compliance has resulted in violation of any provisions of the Constitution of India or in the failure of justice;
 - (b) whether the findings of the disciplinary authority are warranted by the evidence on record; and
 - (c) whether the penalty imposed is excessive, adequate or inadequate; and, after consultation with the Commission, if such consultation is necessary in the case, pass orders –
 - (i) setting aside, reducing, confirming or enhancing the penalty; or
 - (ii) remitting the case to the authority which imposed the penalty or to any other authority, with such direction as it may deem fit in the circumstances of the case:

Provided that –

- (a) The Commission shall be consulted in all cases where such consultation is necessary and the Government servant has been given an opportunity of representing against the advice of the Commission;
- (b) the Appellate Authority shall not impose any enhanced penalty which neither such authority, nor the authority which made the order appealed against, is competent in the case to impose;
- (c) if such enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clauses (vi) to (x) of Rule 7 and an inquiry under Rule 10 has not already been held in the case, the Appellate Authority shall, subject to the provisions of Rule 15, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 10, and thereafter, on consideration of the proceedings of such inquiry, pass such orders as it may deem fit : -
 - (i) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (vi) to (x) of Rule 7 and an enquiry under Rule 10 has been held in the case, the appellate authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty; and
 - (ii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in

accordance with the provisions of Rule 12, of making a representation against such enhanced penalty.

- (3) In an appeal against any order specified in Rule 19, the Appellate Authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.
- (4) While considering an appeal it will not be necessary to hear the officer in person by the appellate authority.

24. Expeditious disposal of appeals - When an appeal under these Rules is preferred, it shall be disposed of as expeditiously as possible and, in any case, within a period of three months from the date of receipt of the appeal by the Appellate Authority.

25. Implementation of Orders in appeal - The authority which made the order appealed against shall forthwith give effect to the orders passed by the Appellate Authority.

PART VII - REVISION AND REVIEW

26. Revision :

- (1) Notwithstanding anything contained in these Rules –
 - (i) the Governor; or
 - (ii) the appellate authority, within six months of the date of the order proposed to be revised, or
 - (iii) any other authority specified in this behalf by the Governor by a general or special order, and within such time as may be prescribed in such general or special order; may at any time, either on his or its own motion or otherwise, call for the records of any inquiry and revise any order made under these Rules, or under the Rules repealed by Rule 30, from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Commission where such consultation is necessary, and may –
 - (a) confirm, modify or set aside the order; or
 - (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
 - (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or
 - (d) pass such other orders as it may deem fit :

Provided that no order imposing, or enhancing, any penalty shall be made by any revising authority, unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed. Further, where it is proposed to impose any of the penalties specified in clauses (vi) to (x) of Rule 7, or to enhance the penalty, imposed by the order sought to be revised, to any of the penalties specified in those Clauses, and, if an inquiry under Rule 10 has not already been held in the case, no such penalty shall be imposed except after holding an inquiry in the manner laid down in Rule 10, subject to the provisions of Rule 15, and except after consultation with the Commission, where such consultation is necessary, and the Government servant has been given an opportunity of representing against the advice of the Commission.

- (2) No proceeding for revision shall be commenced until after –
- (i) the expiry of the period of limitation for an appeal, or
 - (ii) the disposal of the appeal, where any such appeal has been preferred.
- (3) An application for revision shall be dealt with in the same manner as if it were an appeal under these Rules.

27. Review :

The Governor may, at any time, either on his own motion, or otherwise, review any order passed under these Rules, when any new material or evidence, which could not be produced, or was not available, at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice :

Provided that no order imposing, or enhancing, any penalty shall be made by the Governor, unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed. Further, where it is proposed to impose any of the major penalties specified in Rule 7, or to enhance the minor penalty, imposed by the order sought to be reviewed, to any of the major penalties and, if an enquiry under Rule 10 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Rule 10, subject to the provisions of Rule 15, and except after consultation with the Commission, where such consultation is necessary, and the Government servant has been given an opportunity of representing against the advice of the Commission.

PART VIII – MISCELLANEOUS**28. Service of Orders, Notices, etc. :**

Every order, notice and other process made or issued under these Rules shall be served in person on the Government servant concerned or communicated to him by registered post.

29. Power to relax time-limit and to condone delay :

Save as otherwise expressly provided in these Rules, the authority competent under these Rules to make any order may, for good and sufficient reasons, or if sufficient cause is shown, extend the time specified in these Rules for anything required to be done under these Rules or condone any delay.

30. Repeal and savings –

- (1) The Meghalaya Services (Discipline and Appeal) Rules 2011 is hereby repealed :

Provided that –

- (a) such repeal shall not affect the previous operation of the said Rules or anything done or any action taken there under;
 - (b) any proceedings under the said Rules or orders pending at the commencement of these Rules shall be continued and disposed off as far as may be, in accordance with the provisions of these Rules.
- (2) Nothing in these Rules shall operate to deprive any person, to whom these Rules apply, of any right of appeal which had accrued to him under the Rules, or orders so repealed by sub-rule (1), in respect of any order passed before the commencement of these Rules.
- (3) An appeal pending at or preferred after the commencement of these Rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these Rules.

31. Removal of doubts –

If any doubt arises as to the interpretation of any of the provisions of these Rules, the matter shall be referred to the Governor, or such other authority as may be specified by the Governor, by general or special order, and the Governor, or such other authority, shall decide the same.

Sd/-

(Smti. R. Lyngdoh)

**Commissioner & Secretary to the Govt. of Meghalaya,
Personnel & Admv. Reforms (B) Department.**

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SCHEDULE**[See Rule 5 and sub rule (1) of Rule 20]**

Sl. No.	Description of Services	Appointing Authority	Appellate Authority
1	2	3	4
1.	Meghalaya Civil Services	Governor	Governor
2.	Meghalaya Judicial Service (i) Grade I (ii) Grade II (iii) Grade III }	-do-	-do-
3.	Meghalaya Legal Service	-do-	-do-
4.	All Gazetted Staff (excluding the Ministerial Gazetted Staff) of the Offices of the Governor's Secretariat	-do-	-do-
5.	All Gazetted Officers of the Office of Meghalaya Public Service Commission	-do-	-do-
6.	All Gazetted Officers under the Departments	-do-	-do-
7.	All Gazetted Officers of Meghalaya Secretariat Service	-do-	-do-
8.	Meghalaya Stenographers Service (i) Senior Grade (ii) Steno Grade I }	-do-	-do-
9.	Meghalaya Subordinate Secretariat Services (Non Gazetted)	Chief Secretary	-do-
10.	Meghalaya Administrative Training Institute Instructors/faculty	-do-	-do-
11.	Stenographers Grade II/III in the Meghalaya Secretariat	-do-	-do-
12.	All Ministerial Gazetted staff of the Office of the Governor's Secretariat	Secretary to the Governor	-do-
13.	All Non-Gazetted staff of the Office to the Governor's Secretariat	-do-	-do-
14.	All Non-Gazetted staff of the Meghalaya Public Service Commission	Secretary, MPSC	Chairman, MPSC
15.	All Grade IV staff of the Meghalaya Civil Secretariat	Dy. Secretary/ Under Secretary, Sectt. Admn. Department	Chief Secretary
16.	All Grade IV staff in the Meghalaya Secretariat {PWD (R&B)}	Secretary, PWD	-do-

Sl. No.	Description of Services	Appointing Authority	Appellate Authority
1	2	3	4
17.	Stenographers Grade II & III in the Heads of Departments	Heads of Department	Secretary of the Department
18.	Stenographers Grade II & III in Deputy Commissioner's Office	Deputy Commissioner	Commissioner of Division
19.	All Gazetted Officers of Heads of Department	Governor	Governor
20.	All Non-Gazetted posts under the control of Heads of Department other than the posts in respect of which specific provisions have been made separately	Heads of Department	Secretary of the Department
21.	All Gazetted posts in the Office of the Deputy Commissioners & Sub-Divisional Officer (C)	Governor	Governor
22.	Head Assistant in the Office of the Deputy Commissioners & Sub-Divisional Officer (C)	Commissioner of Division	Commissioner of Division
23.	All Non-Gazetted posts in the Office of the Deputy Commissioners & Sub-Divisional Officer (C)	Deputy Commissioner concerned	Commissioner of Division
24.	All Gazetted posts of the Meghalaya House, New Delhi, Kolkata, Mumbai, Vellore, Guwahati	Governor	Governor
25.	All Non-Gazetted posts of the Meghalaya House	Deputy Secretary, General Admn. Department	Chief Secretary
26.	All Non-Gazetted posts of the Meghalaya Government Press	Heads of Department	Secretary of the Department

Sd/-
(Smti. R. Lyngdoh)
Commissioner & Secretary to the Govt. of Meghalaya,
Personnel & Admv. Reforms (B) Department.

C O P Y

**GOVERNMENT OF MEGHALAYA
PERSONNEL & ADMV. REFORMS (B) DEPARTMENT**

NO: PER(AR). 6/2011/60,

Dated Shillong, the 1st February 2012.

OFFICE MEMORANDUM

The undersigned is directed to refer to sub-rule (9.5) of Rule 9 of the Meghalaya Services (Discipline & Appeal) Rules, 2011 wherein it is stated that the Disciplinary Authority may nominate any person to present the case in support of the charges before the Authority inquiring into the charges (hereinafter referred to as the Inquiring Authority). The Government servant may present his case with the assistance of any other Government servant approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose unless the Presenting Officer nominated by the Disciplinary Authority is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits.

However, there are some doubts as to the interpretation of the word any other Government servant while engaging as Defence Assistant as the Rule itself does not specifically mentioned either "Serving" or "Retired" Government servant.

To remove doubts the matter has therefore been re-examined and decided that the words "any other Government servant" appeared in the above Rule implies both serving and retired Government servant.

The above clarification of the Rules should be strictly adhered to while engaging Government servant for appointment as Defence Assistant under the provision of the Disciplinary and Appeal Rules.

**Sd/-
SMTI L. DIENGDOH,
Secretary,
Personnel & Admv. Reforms (B) Department.**

.....

M. NO: PER(AR). 6/2011/60-A,

Dated Shillong, the 1st February 2012.

Copy to –

1. All Administrative Department.
2. All Heads of Department.

By Order etc.,

**Sd/-
(SMTI T. DKHAR)
Deputy Secretary to the Govt. of Meghalaya,
Personnel & Admv. Reforms (B) Department.**

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C O P Y

**GOVERNMENT OF MEGHALAYA
PERSONNEL & ADMV. REFORMS (B) DEPARTMENT**

NO: PER(AR). 21/2010/Pt. I/2,

Dated Shillong, the 3rd February 2012.

OFFICE MEMORANDUM

The undersigned is directed to refer to Sub-rule (9.12) of the Meghalaya Service (Discipline & Appeal) Rules, 2011. It is clarified that sub-rule (9.12) of the Meghalaya Service (Discipline & Appeal) Rules 2011 permits the Disciplinary Authority to impose the penalty of censure at the initial stage of the proceedings without going through the procedure of enquiry as laid down, if the penalty of censure is considered adequate. However, in such cases, the Government servant is to be informed in writing, of the proposed action to be taken against him and of the allegation on which it is proposed to be taken. This is to enable the delinquent employee an opportunity to make any representation against him. Such representation, if any, should be taken into consideration by the Disciplinary Authority under sub-rule (13) of Rule 9 of the Rules mentioned above. It is further clarified that issue of second show cause notice prior to imposing of penalties is not required, for those cases falling within the ambit of Rule 9(10) and 9(11) of the above mentioned Rules.

Sd/-

**(SMTI L. DIENGDOH),
Secretary to the Govt. of Meghalaya,
Personnel & Admv. Reforms (B) Department.**

.....

M. NO: PER(AR). 21/2010/Pt. I/2-A,

Dated Shillong, the 3rd February 2012.

Copy to –

1. All Administrative Departments.
2. All Heads of Department.

By Order etc.,

Sd/-

**(Smti L. Diengdoh),
Secretary to the Govt. of Meghalaya,
Personnel & Admv. Reforms (B) Department.**

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